

## IN THE UNITED STATES PATENT AND TRADE MARK OFFICE

In re Patent Application of

Atty Dkt. 1721-30

C# M#

1010 REC'D PCT/FTO 26 FEB 2002

BOULANGER et al.

Serial No. 09/856,710

FEB 26 2002

Group Art Unit:

Examiner:

Filed: May 25, 2001

Date: February 26, 2002

Title: MEANS FOR GENERATING OPTICAL RADIATIONS TUNEABLE AT LEAST IN FREQUENCY

Assistant Commissioner for Patents  
Washington, DC 20231

BOX PCT

ATTENTION: PCT LEGAL OFFICE

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 920.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

**Subtotal \$ 920.00**

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: Copy of Communication mailed Feb. 20, 2002 Executed Declaration;

**TOTAL FEE ENCLOSED \$ 920.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:eaw

NIXON & VANDERHYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

**BOULANGER et al.**

Atty. Ref.: **1721-30**

Serial No. **09/856,710**

Group:

Filed: **May 25, 2001**

Examiner:

For: **MEANS FOR GENERATING OPTICAL RADIATIONS  
TUNEABLE AT LEAST IN FREQUENCY**

\* \* \* \* \*

**February 26, 2002**

Assistant Commissioner for Patents  
Washington, DC 20231  
**BOX PCT**  
**ATTENTION: PCT LEGAL OFFICE**

Sir:

**RESPONSE**

Responsive to the Communication dated February 20, 2002 (copy attached), the Office is requested to accept the attached Declaration.

Also attached is a three month extension petition and three month extension fee which are apparently required to extend the due date from the Notification of Missing Requirements dated October 2, 2001 up to and including March 2, 2002. The Office is authorized by the attached cover sheet to charge the undersigned's Deposit Account for any deficiencies or credit any overpayment in the fees filed or asserted to be filed or which have been filed herewith to the undersigned's Deposit Account No. 14-1140. The Office is requested to contact the undersigned if anything further is required in response to the Notification of October 2, 2001, the Decision of September 24, 2001, the Notification of December 17, 2001 or the Communication of February 20, 2002.

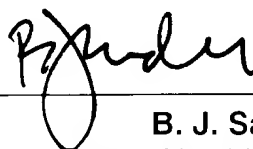
**BOULANGER et al.**  
**Serial No. 09/856,710**

A Filing Receipt and early Action on the merits are requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



**B. J. Sadoff**

Reg. No. 36,663

**BJS:eaw**

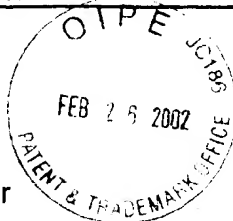
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FEB 20 2002  
1721-30  
BJs  
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**DOCKETED**

CLT/MATTER # 17/21/30  
MAIL DATE 10/2/01  
DUE DATE March 2, 2002 - 3rd of  
FINAL DEADLINE May 2, 2002  
DOCKETED BY msj/gm

In re Application of  
BOULANGER *et al*  
U.S. Application No.: 09/856,710  
PCT No.: PCT/FR98/02563  
Int. Filing Date: 27 November 1998  
Priority Date: 27 November 1997  
Attorney Docket No.: 1721-30  
For: MEANS FOR GENERATING OPTICAL  
RADIATIONS TUNEABLE AT LEAST  
IN FREQUENCY

COMMUNICATION

This communication is in response to the papers filed on 16 January 2002.

### **BACKGROUND**

On 24 September 2001, a decision granting applicants' petition under 37 CFR 1.137(b) was mailed. The decision noted that the executed declaration submitted with the national stage papers on 25 May 2001 was illegible. Therefore, the declaration was deemed not in compliance with 37 CFR 1.497.

On 02 October 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements to applicants indicating that a surcharge fee of \$130.00 pursuant to 37 CFR 1.492(e) was required. Applicants were given two months to respond.

On 03 December 2001, applicants filed a "Response" claiming that the surcharge fee was previously charged from counsel's Deposit Account on 25 September 2001. However, a review of the financial records for the above-captioned application shows that a processing fee of \$130.00 for filing an English translation was charged on 25 September 2001, not a surcharge fee.

On 17 December 2001, the DO/EO/US mailed a Notification of Defective Response for failing to provide a declaration in compliance with 37 CFR 1.497 (a) and (b) and a surcharge fee of \$130.00 pursuant to 37 CFR 1.492(e).

On 16 January 2002, applicants submitted another "Response" which was accompanied by the \$130.00 surcharge fee, a copy of an unexecuted declaration along with another copy of the illegible declaration previously submitted on 25 May 2001.

DISCUSSION

The response mailed 16 January 2001 was inadequate.

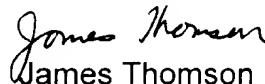
The unexecuted declaration does not comply with 37 CFR 1.497. The declaration previously submitted with the national stage papers also does not comply with 37 CFR 1.497 because it is illegible.

Applicants must provide an executed declaration in compliance with 37 CFR 1.497(a) and (b) within the time limit remaining in the Notification of Missing Requirements mailed 02 October 2001. Failure to provide an acceptable response within the time limit remaining will result in the abandonment of the above-captioned application.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Leonard Smith  
PCT Legal Examiner  
PCT Legal Office



James Thomson  
Attorney Advisor  
PCT Legal Office

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